



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MS. JUSTICE V.M.VELUMANI

W.P.(MD)No.6440 of 2015

V.Maruthamuthu

... Petitioner

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Dindigul East Taluk, Dindigul District.

3.The Village Administrative Officer,
Vellodu Village Panchayat
Dindigul East Taluk,
Dindigul District.

4.The President,
Vellodu Village Panchayat
Dindigul East, Dindigul District.

5.Joseph

6.Iruthayarani

7.Kaspar

8.Arockiyam

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 4 to consider the petitioner's representation, dated 27.03.2015 and to direct the respondents 1 to 4 to remove the encroachment in S.No.629/1, to have free flow of water into the Odai, situated at A.Vellodu Village, Dindigul East Taluk, Dindigul District.

For Petitioner : Mr.M.Sasi

For Respondents : Mr.B.Pugalenthi
(R1 to R3) Spl.Govt.Pleader

ORDER

(Order of this Court was made by **S.MANIKUMAR, J.**)

A resident of A.Vellodu Village, Dindigul District, in the supporting affidavit, has contended that respondents 5 to 8 have encroached the Odai Poromboke in S.No.629/1, Odaipatti Village, Dindigul East Taluk, Dindigul District. His representation, dated 27.03.2015, to the District Collector, Dindigul District, and other official



respondents, has not been responded, resulting in filing of the writ petition, for a Mandamus, to dispose of his representation.

2. Though, in ordinary circumstances, this Court is not inclined to issue any Mandamus, to consider the representation, material and record discloses that there was a resolution passed by the President, Vellodu Village Panchayat, Dindigul East, Dindigul District, dated 30.01.2015, requesting the District Collector, Dindigul District, to survey the Odai Poromboke and to remove encroachment.

3. This Court, on 28.04.2015, directed Mr.B.Pugalenth, learned Special Government Pleader, to take notice for the official respondents.

4. Responding the same, on the basis of instruction in R.C.No. 6119/2015/a3, dated 27.04.2015, of the Tahsildar, Dindigul East, Mr.B.Pugalenth, learned Special Government Pleader submitted that there are some encroachments in S.No.629/1, Odaipatti Village, by one Joseph, Kaspar, Moses and Arokiam and that the said place has been used as a pathway by the general public. The Tahsildar, Dindigul East, has further stated that A.Vellodu Village Panchayat, has passed a Resolution No.621, dated 30.01.2015, for conducting survey of the subject property and for removal of encroachments. The respondent further stated that survey would be conducted and thereafter encroachment would be removed.

5. Having regard to the statement of the Tahsildar, Dindigul East, there is no need to issue any Mandamus. We only wish to state that the submissions made before this Court should be honoured in letter and spirit, of course, the same should be in accordance with law and following the principles of natural justice.

6. In the result, this Writ Petition is closed, with above observation. No costs.

Sd/-
Assistant Registrar(CO)

\True copy\

Sub Assistant Registrar

To

- 1.The District Collector, Dindigul District, Dindigul.
- 2.The Tahsildar, Dindigul East Taluk, Dindigul District.
- 3.The Village Administrative Officer, Vellodu Village Panchayat
Dindigul East Taluk, Dindigul District.
- 4.The President, Vellodu Village Panchayat
Dindigul East, Dindigul District.

+1cc to MR.M.SASI, ADVOCATE SR.NO.24298
+1CC TO THE SPL.GOV.T.PLEADER SR.NO.24636

W.P. (MD) No.6440 of 2015